



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

February 7, 2017
(House)

STATEMENT OF ADMINISTRATION POLICY

H.J. Res. 42 – Disapproving the Rule Submitted by the Department of Labor Relating to Drug Testing of Unemployment Compensation Applicants

(Rep. Brady, R-TX, and 25 cosponsors)

H.J. Res. 44 – Disapproving the Rule Submitted by the Department of the Interior Relating to Bureau of Land Management Regulations that Establish the Procedures Used to Prepare, Revise, or Amend Land Use Plans Pursuant to the Federal Land Policy and Management Act of 1976

(Rep. Cheney, R-WY, and 16 cosponsors)

H.J. Res. 57 – Disapproving the Rule Submitted by the Department of Education Relating to Accountability and State Plans Under the Elementary and Secondary Education Act of 1965

(Rep. Rokita, R-IN, and 12 cosponsors)

H.J. Res. 58 – Disapproving the Rule Submitted by the Department of Education Relating to Teacher Preparation Issues

(Rep. Guthrie, R-KY, and 12 cosponsors)

The Administration strongly supports the actions taken by the House to begin to nullify unnecessary regulations. The regulations that the House is voting to overturn under the Congressional Review Act establish onerous reporting requirements and other constraints on States, local communities, and institutions of higher education.

H.J. Res. 42 would nullify the Employment and Training Administration's Federal-State Unemployment Compensation Program; Middle Class Tax Relief and Job Creation Act of 2012 Provision on Establishing Appropriate Occupations for Drug Testing of Unemployment Compensation Applicants 81 Fed. Reg. 50298 (August 1, 2016), promulgated by the Department of Labor. The rule determines the occupations that regularly conduct drug testing for use by States when determining which unemployment insurance applicants may be tested. The rule

imposes an arbitrarily narrow definition of occupations and constrains a State's ability to conduct a drug testing program in its unemployment insurance system, as authorized in Public Law 112-96, the Middle Class Tax Relief and Job Creation Act of 2012.

H.J. Res. 44 would nullify the final rule relating to Resource Management Planning, 81 Fed. Reg. 89580 (Dec. 12, 2016), promulgated by the Department of the Interior, Bureau of Land Management (BLM). This rule, also known as the BLM Planning Rule 2.0, would prioritize regional and national considerations over state and local interests in land use planning for activities on public lands. The BLM manages over 245 million acres of Federal lands, located mostly in the western States, for multiple uses, including grazing, timber, recreation, and energy and mineral development. Given its regional approach to planning, the Administration believes the rule does not adequately serve the State and local communities' interests and could potentially dilute their input in planning decisions.

H.J. Res. 57 would nullify the final rule Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act – Accountability and State Plans, 81 Fed. Reg. 86076 (Nov. 29, 2016), promulgated by the Department of Education. This rule establishes requirements for how States must implement the statutory provisions that require States to have an accountability system based on multiple measures, including school quality or student success, to ensure that States and districts focus on improving outcomes and measuring student progress. While school accountability is important, the Administration is committed to local control of education and this rule places additional burden on States and constrains them in areas where the ESSA intended broad flexibility. The Administration looks forward to working with the Congress on how the Department of Education can support States and school districts as they implement the new reauthorization of the Elementary and Secondary Education Act.

H.J. Res. 58 would nullify the final rule related to the Teacher Preparation Program Accountability System, 81 Fed. Reg. 75494 (Oct. 31, 2016), promulgated by the Department of Education. This rule establishes annual State reporting to measure the performance and quality of teacher preparation programs and tie them to program eligibility for participation in the Teacher Education Assistance for College and Higher Education grant program. The rule imposes new burdensome and costly data reporting requirements on States and institutions of higher education.

If these bills were presented to the President in their current form, his advisors would recommend that he sign them into law.